

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Burke, Jr. et al.

Application No. 09/937,150

Art Unit: 1653

Filed: March 26, 2002

Examiner: David Lukton

For: PHENYLALANINE DERIVATIVES

REQUEST FOR REFUND

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Refund Section, Accounting Division
Office of Finance

Sir:

Refund Request

- ☒ This request for refund is made within two years of the date the fees were charged to our deposit account on July 14, 2006 in the amounts of \$130.00 and \$790.00. A Petition Under 37 C.F.R. 1.313(c)(2) to Withdraw Application from Issue and a Request for Continued Examination (RCE) were filed on July 12, 2006 and our deposit account was charged on July 13, 2006. Therefore, we believe the July 14, 2006 charges are duplicative and in error. A copy of the print out of the charges made by the PTO on July 13, 2006 and July 14, 2006 are attached.

Fees Paid

- ☒ Petition Under 37 C.F.R. 1.313(c)(2) to Withdraw
Application from Issue
☒ Request for Continued Examination (RCE)

AMOUNT OF
REFUND REQUESTED
\$130.00
\$790.00
\$920.00

TOTAL REFUND REQUESTED

Please make the refund by ☒ crediting Deposit Account No. 12-1216 or ☐ forwarding a check in the amount of the refund to the address below.

Respectfully submitted,

Xavier Pillai

Xavier Pillai, Reg. No. 39,799
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: September 8, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this Request for Refund and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner Refund Section, Accounting Division, Office of Finance, Facsimile Number 571-273-6500.			
Name (Print/Type)	Xavier Pillai		
Signature	<i>Xavier Pillai</i>	Date	September 8, 2006

LAW OFFICES
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
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TELEPHONE: (312) 616-5600

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(312) 849-0495 (G4)

FACSIMILE COVER SHEET

DATE: SEPTEMBER 8, 2006

NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET): 5

OUR REFERENCE: 401371

FROM: XAVIER PILLAI
REGISTRATION No. 39,799

TO: OFFICE OF FINANCE
ATTN: REFUND SECTION, ACCOUNTING DIVISION
UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

FACSIMILE NUMBER: 571/273-6500

IN RE APPLN. OF: BURKE, JR. ET AL.
APPLICATION NO. 09/937,150
FILED: MARCH 26, 2002
FOR: PHENYLALANINE DERIVATIVES
GROUP ART UNIT: 1653
EXAMINER: DAVID LUKTON
ATTORNEY DOCKET: 401371

ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:

- REQUEST FOR REFUND IN DUPLICATE (2 PAGES)
- COPY OF DEPOSIT ACCOUNT STATEMENT (2 PAGES); AND
- FAX COVER SHEET.

A confirmation copy of the transmitted document will:

- ☒ Not bc sent. This will be the only form of delivery of the transmitted document.

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

FaxPTO (2/9/2001)

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Deposit Account Statement

07/12 124	PCT/US06/25869 253335	1704	\$1,925.00 ✓	\$93,573.25
07/12 125	PCT/US06/25869 253335	1701	\$1,008.00 ✓	\$92,665.25
07/12 126	PCT/US06/25869 253335	1703	\$24.00 ✓	\$92,641.25
07/12 127	PCT/US06/25869 253335	8007	\$20.00 ✓	\$92,621.25
07/12 138	10576689 624508	8021	\$80.00 ✓	\$92,541.25
07/12 157	11483666 403764/NGB	1011	\$300.00 ✓	\$92,241.25
07/12 158	11483666 403764/NGB	1111	\$500.00 ✓	\$91,741.25
07/12 159	11483666 403764/NGB	1311	\$200.00 ✓	\$91,541.25
07/12 166	1757252 253569	8621	\$40.00 ✓	\$91,501.25
07/12 167	1757252 253569	8522	\$50.00 ✓	\$91,451.25
07/12 174	78448541 253569	8521	\$40.00 ✓	\$91,411.25
07/12 175	78448541 253569	8522	\$450.00 ✓	\$90,961.25
07/12 191	11377634 403651	1011	\$300.00 ✓	\$90,661.25
07/12 192	11377634 403651	1111	\$500.00 ✓	\$90,161.25
07/12 193	11377634 403651	1311	\$200.00 ✓	\$89,961.25
07/12 194	11377634 403651	1051	\$130.00 ✓	\$89,831.25
07/12 195	11377634 403651	1053	\$130.00 ✓	\$89,701.25
07/12 196	11377634 403651	1081	\$500.00 ✓	\$89,201.25
07/12 197	11377634 403651	1251	\$120.00 ✓	\$89,081.25
07/12 246	11374477 403642	1011	\$300.00 ✓	\$88,781.25
07/12 247	11374477 403642	1111	\$500.00 ✓	\$88,281.25
07/12 248	11374477 403642	1311	\$200.00 ✓	\$88,081.25
07/12 249	11374477 403642	1051	\$130.00 ✓	\$87,951.25
07/12 250	11374477 403642	1081	\$500.00 ✓	\$87,451.25
07/12 251	11374477 403642	1251	\$120.00 ✓	\$87,331.25
07/12 258	11483990 253349	1011	\$300.00 ✓	\$87,031.25
07/12 259	11483990 253349	1111	\$500.00 ✓	\$86,531.25
07/12 260	11483990 253349	1311	\$200.00 ✓	\$86,331.25
07/12 279	11483880 251276	1011	\$300.00 ✓	\$86,031.25
07/12 280	11483880 251276	1111	\$500.00 ✓	\$85,531.25
07/12 281	11483880 251276	1311	\$200.00 ✓	\$85,331.25
07/12 333	11452432 403727/WEINSTEIN	8021	\$40.00 ✓	\$85,291.25
07/12 516	10579988 631206	8021	\$40.00 ✓	\$85,251.25
07/12 589	78737278 239548	7001	\$325.00 ✓	\$84,926.25
07/12 672	78737375 239549	7001	\$325.00 ✓	\$84,601.25
07/12 796	78345446 306632	7004	\$300.00 ✓	\$84,301.25
07/12 1620	78592733 234935	7003	\$100.00 ✓	\$84,201.25
07/12 2121	78312920 224774	7004	\$150.00 ✓	\$84,051.25
07/12 2155	78927788 253567	7007	\$275.00 ✓	\$83,778.25
07/13 3	11083088 403345/HOEGER	1401	\$500.00 ✓	\$83,278.25
07/13 7	60830008 506294	2005	\$100.00 ✓	\$83,178.25
07/13 11	09937150 401371	1464	\$130.00 ✓	\$83,046.25
07/13 12	09937150 401371	1801	\$790.00 ✓	\$82,256.25
07/13 33	10842777 228912	1501	\$1,400.00 ✓	\$80,856.25
07/13 34	10842777 228912	1504	\$300.00 ✓	\$80,556.25
07/13 38	10947135 403207	1801	\$790.00 ✓	\$79,766.25
07/13 55	11126087 228768	2801	\$395.00 ✓	\$79,371.25
07/13 63	60811986 087-1319 (506271)	8021	\$40.00 ✓	\$79,331.25
07/13 73	10486905 225974	1253	\$1,020.00 ✓	\$78,311.25
07/13 74	10486905 225974	1806	\$180.00 ✓	\$78,131.25
07/13 81	10800117 225965	1201	\$200.00 ✓	\$77,931.25

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7/17/2006

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312 616 5700

NO. 8661 P. 5

Déposit Account Statement

07/13 82	10800117	225965	1253	\$1,020.00 ✓	\$76,911.25
07/13 82	29218321	403258	1051	\$130.00 ✓	\$76,781.25
07/13 82	60811282	242449	8021	\$40.00 ✓	\$76,741.25
07/13 83	11010254	231690	1251	\$120.00 ✓	\$76,621.25
07/13 90	11402681	701031	8021	\$40.00 ✓	\$76,581.25
07/13 94	11484665	403770/M&C	1011	\$300.00 ✓	\$76,281.25
07/13 95	11484665	403770/M&C	1111	\$500.00 ✓	\$75,781.25
07/13 96	11484665	403770/M&C	1311	\$200.00 ✓	\$75,581.25
07/13 106	11483923	251067	1011	\$300.00 ✓	\$75,281.25
07/13 107	11483923	251067	1111	\$500.00 ✓	\$74,781.25
07/13 108	11483923	251067	1311	\$200.00 ✓	\$74,581.25
07/13 109	11484661	403766/TAKADA	1011	\$300.00 ✓	\$74,281.25
07/13 110	11484661	403766/TAKADA	1111	\$500.00 ✓	\$73,781.25
07/13 111	11484661	403766/TAKADA	1311	\$200.00 ✓	\$73,581.25
07/13 137	10573274	251371	1617	\$130.00 ✓	\$73,451.25
07/13 154	11452432	403727	1011	\$300.00 ✓	\$73,151.25
07/13 155	11452432	403727	1111	\$500.00 ✓	\$72,651.25
07/13 156	11452432	403727	1311	\$200.00 ✓	\$72,451.25
07/13 157	11452432	403727	1051	\$130.00 ✓	\$72,321.25
07/13 174	11482754	403761/SHINSE	8021	\$40.00 ✓	\$72,281.25
07/13 194	11484648	403620/THERMOTION	2011	\$150.00 ✓	\$72,131.25
07/13 195	11484648	403620/THERMOTION	2111	\$250.00 ✓	\$71,881.25
07/13 196	11484648	403620/THERMOTION	2311	\$100.00 ✓	\$71,781.25
07/13 251	11484624	403767/TAKADA	1011	\$300.00 ✓	\$71,481.25
07/13 252	11484624	403767/TAKADA	1111	\$500.00 ✓	\$70,981.25
07/13 253	11484624	403767/TAKADA	1311	\$200.00 ✓	\$70,781.25
07/13 254	11432943	252115	8021	\$40.00 ✓	\$70,741.25
07/13 544	10576689	624506	8021	\$80.00 ✓	\$70,661.25
07/13 636	11450705	251147	8021	\$40.00 ✓	\$70,621.25
07/13 1679	78928603	506295	7001	\$325.00 ✓	\$70,296.25
07/13 1784	78928652	253611	7007	\$275.00 ✓	\$70,021.25
07/14 2	1221015	253555	7401	\$300.00 ✓	\$69,721.25
07/14 3	11302112	403570	1251	\$120.00 ✓	\$69,601.25
07/14 4	11077716	233988	2251	\$60.00 ✓	\$69,541.25
07/14 5	10728209	224387	1251	\$120.00 ✓	\$69,421.25
07/14 8	10366137	221243	1201	\$400.00 ✓	\$69,021.25
07/14 9	10366137	221243	1202	\$50.00 ✓	\$68,971.25
07/14 13	09937150	401371	1801	\$790.00 ✓	\$68,181.25
07/14 15	29218321	403258	1051	\$130.00 ✓	\$68,311.25
07/14 16	29218321	403258	1464	\$130.00 ✓	\$68,181.25
07/14 33	10179624	217390	1253	\$1,020.00 ✓	\$67,161.25
07/14 42	PAYMENT		9203	-\$100,000.00	\$167,161.25
07/14 43	60735714	239146	1807	\$50.00 ✓	\$167,111.25
07/14 49	11312685	403577	1251	\$120.00 ✓	\$166,991.25
07/14 59	2408346	239403	7205	\$100.00 ✓	\$166,891.25
07/14 60	2408346	239403	7208	\$200.00 ✓	\$166,691.25
07/14 66	11445557	506216	2051	\$65.00 ✓	\$166,626.25
07/14 76	11432943	252115	2051	\$65.00 ✓	\$166,561.25
07/14 120	11402681	2242 US 701031	2051	\$65.00 ✓	\$166,496.25
07/14 140	09937160	401371	1464	\$130.00 ✓	\$166,366.25
07/14 176	11483668	403764/NGB	8021	\$40.00 ✓	\$166,326.25

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7/17/2006

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REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application No.	09/937,150
Filing Date	March 26, 2002
First Named Inventor	Burke, Jr.
Group Art Unit	1653
Examiner Name	David Lukton
Attorney Docket No	401371
Client Reference No	E-105-1999/0-US-07

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Form PTO-1449
- v. ☒ Copies of References listed in Form PTO-1449
(except for U.S. patents and applications)
- vi. ☒ Other: Copy of Petition to Withdraw from Issue

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$790.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☐ One-month extension of time fee of \$120.00
- iii. ☐ An extension for _____ has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total amount of extension now requested.
- iv. ☒ Petition for an extension of time (including the period noted above, if checked), as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- v. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- vi. ☐ Other:
- vii. ☐ Claim fee

\$790.00

CLAIM FEE		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL			MINUS		=	x 25=	\$	x 50=	\$
INDEPENDENT			MINUS		=	x 100=	\$	x 200=	\$
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM					+ 180=	\$	+ 360=	\$
									Claim fee total

Total amount to be charged to Deposit Account

\$790.00

- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216